

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Davy Crockett Tower
Nashville, Tennessee**

March 13, 2008

Board Members Present

Bob Campbell, Professional Engineer
James Hastings, Registered Architect
Philip Lim, Professional Engineer
Dana Miller, Registered Interior Designer
David Schuermann, Registered Architect
William Stockard, Professional Engineer
Richard Thompson, Registered Architect

Board Members Absent

Brenda Wood, Public Member

Associate Board Members Present

Raymond White, Professional Engineer

Associate Board Member Absent

Dennis Henderson, Professional Engineer
Carlton Norris, Professional Engineer

Staff Present

Aaron Rochelle, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

The following guests attended all or part of the Board meeting:

Al Bodie, American Society of Landscape Architects, Tennessee Chapter (TN-ASLA)
Hollie Cummings, American Society of Landscape Architects, Tennessee Chapter (TN-ASLA)
Candy Toler, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)
Connie Wallace, American Institute of Architects Tennessee (AIA TN)
John Long, PE

CALL TO ORDER

Dana Miller, chair, called the meeting to order at 9:30 a.m. Roll call determined that a quorum was present.

Ms. Miller welcomed Aaron Rochelle, who is now the Board's staff attorney.

She announced that Mr. Norris was absent because of a medical emergency earlier this week.

Mr. Lim, seconded by Mr. Stockard, moved to issue an emeritus certificate to Sharon Byrd, former Public Member of the Board. The motion passed unanimously.

A moment of silence was observed for John Love, Landscape Architect Board member, who died suddenly on January 25, 2008. Mr. Stockard, seconded by Mr. Lim, moved that a resolution be prepared to give to Mr. Love's family. The motion passed unanimously.

Mr. Thompson, seconded by Mr. Campbell, moved to accept the agenda as prepared. The motion passed unanimously.

CONSENT AGENDA

Approval of Minutes (attached)

Mr. Campbell, seconded by Mr. Stockard, moved to accept the minutes of the January 10, 2008 meeting as written. The motion passed unanimously.

DIRECTOR'S REPORT

Mr. Cothron submitted the following report:

- He attended the public meeting regarding fire codes adoption at the Tennessee Tower on February 15. Commissioner Newman outlined the department's options. A rulemaking hearing will probably be held in April.
- He attended the Spring Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in Indianapolis on February 29-March 1.
- He will speak to a civil engineering class at Tennessee Technological University, Cookeville, on March 17 regarding registration requirements.
- Jim Hastings and he have been approved to attend the National Council of Architectural Registration Boards (NCARB) regional meeting in Englewood, Colorado on March 27-29.
- The Board office may be temporarily relocated to the Johnson Tower while the Davy Crockett Tower is renovated. No timeline has yet been established.
- All of the grant contracts have been approved with the exception of the University of Tennessee at Knoxville.
- The Board's planning session in October will be held at Vanderbilt University. A meeting with deans may be planned to coincide with the planning session.
- The Fall/Winter 2007 edition of *Tennessee Design Lines* has been distributed.
- Wanda Garner has been updating our website. Student information has been restored, and a list of disciplinary actions will be added, among other changes.
- Board members are encouraged to promptly review applications online and to report any technical problems.

Financial Data (attached)

Mr. Lim submitted and reviewed the financial report.

OLD BUSINESS

Action Items (attached)

Mr. Cothron reported that he had responded to correspondence from Tom Dunlap.

Mr. Schuermann reported that

- He will continue to attempt to meet with Thomas W. Smith regarding his allegations of conflicts among the International Building Code, Construction Specifications Institute (CSI), and the policies of this Board;
- He has the National Council of Architectural Registration Board's Model Law and will talk to Mr. Cothron about incorporating the rolling clock language into *Tennessee Code Annotated* § 62-2-504(c); and
- He sees no significant differences between the occupancy definitions in the 1985 Standard Building Code and the definitions in the 2003 International Building Code and suggests that the Board wait until the State Fire Marshal's Office (SFMO) adopts a fire code before attempting to update *Tennessee Code Annotated* 62-2-102 to refer to a more recent code.

The Law and Rules/Policies Committee will submit a revised *Record/As Built Drawings Policy* later in the meeting.

The Architect Committee will meet immediately after the Board meeting to discuss the possibility of allowing an architect applicant to review failed portions of the Architect Registration Examination (A.R.E.).

2008 Application/Exam Deadlines (attached)

Mr. Hastings, seconded by Mr. Thompson, moved to approve the deadline dates as presented. The motion passed unanimously.

Record/As Built Drawings Policy (attached)

The Law and Rules/Policies Committee submitted a revised Record/As Built Drawings Policy. Board members pondered the meanings of "as-built drawings" and "record drawings." It was suggested that landscape architecture be added to the first sentence in the second paragraph, and that the SFMO review the policy prior to its adoption by the Board. The policy will be included in the *Reference Manual for Building Officials and Design Professionals*.

NEW BUSINESS

Officer Nominations

The Nominations Committee confirmed the following nominations for officers of the Board for 2008-2009:

- Jim Hastings, chair
- Bob Campbell, vice-chair
- Philip Lim, secretary

The election will be held in May. Any other nominations will be entertained at that time.

Council for Landscape Architectural Registration Boards (CLARB) Spring Meeting Report

Mr. Cothron attended the CLARB Spring Meeting on February 29-March 1, 2008 and gave the following report:

- CLARB is working to develop a new database system that will enable them to establish a disciplinary database.
- CLARB is working with the American Society of Landscape Architects (ASLA) and several other landscape architectural organizations to establish a program to approve continuing education providers for landscape architects. This system will be officially launched in August.
- It was reported that one box of exams was misdirected in December, requiring CLARB to use a back-up version. They will continue producing back-up versions for this reason.
- There was extensive discussion in the regional meetings about strategic planning. Concern was expressed that CLARB should focus more on its core purpose (providing uniform standards of competency to practice landscape architecture) and less on promoting the profession.
- Arkansas is moving toward combining the architects, landscape architects, and interior designers into one board (they are currently all separate boards).
- Texas is now requiring one hour of continuing education in sustainability or energy-efficient design per year, which will affect continuing education reciprocity. This change was mandated by the legislature.
- The Annual Meeting will take place in San Diego, CA on September 4-6, 2008.

Correspondence from Jonathan Stanley re: rule 0120-2-.02 [Proper Conduct of Practice]
(attached)

Mr. Rochelle concluded that, after speaking with Jonathan Stanley, there appears to be a difference of opinion between two engineers rather than a rule violation. Also, this matter appears to fall under local jurisdiction. The Board need not take any action.

Renewal Form Modifications (attached)

A revised Renewal of Registration form was submitted for feedback. Mr. Hastings suggested that the first sentence begin, "In the last two years...."

PROFESSIONAL SOCIETY REPORTS

Hollie Cummings, TN ASLA, reported that

- At their Day on the Hill, concerns were expressed to legislators regarding several bills that have an impact on landscape architects;
- TN ASLA continues to provide professional development hours to members who attend section meetings and training sessions; and
- They are working on the Annual Conference which will be held in Knoxville and will coincide with the start of the Master of Landscape Architecture program at the University of Tennessee.

Candy Toler, TSPE/ACEC-TN submitted the following report:

- She thanked Mr. Campbell for assisting with "Day on the Hill" activities.

- She suggested that it would be a help to the professional societies if the Board were to hold a Board meeting in February and make its positions known on legislative issues.
- They are opposing the “sign” bill which, if passed, would exempt signs under a certain cost and size from requiring a registered architect or engineer to prepare plans and specifications.
- Ms. Toler is working on the soil scientist licensure legislation to make it agreeable to engineers.
- TSPE/ ACEC-TN oppose the public works bill which increases the threshold for projects from \$25,000 to \$250,000. If necessary they may request the bill be amended to require a design professional if the project needs approval from the Tennessee Department of Environment and Conservation or the SFMO.
- The national ACEC is opposed to the requirement of the National Council of Examiners for Engineering and Surveying that one earn a bachelor of engineering degree plus thirty hours in order to meet the education requirement to be licensed.
- ACEC of TN is celebrating its fortieth birthday this fall.

In response to Ms. Toler’s question, the Board stated that it has received about twenty applications from persons who have a master’s degree in engineering with an undergraduate degree in another field or a non-accredited undergraduate engineering degree. The Engineer Committee stated that it carefully reviews all applications for compliance.

Connie Wallace, AIA TN, submitted the following report:

- The AIA Convention will be held in Nashville on July 16-18, 2008. Mr. Thompson will be a program participant talking about licensure.
- Ms. Wallace complimented the staff on doing what it can to aid applicants in the application process. She stated that AIATN and others are looking into the reasons council records are not being transmitted in a timely manner.
- AIA TN has recommended the adoption of the International Building Code and the International Fire Code.
- AIA TN is encouraging the creation of an appeals board in the SFMO.
- The State Building Commission is expected to adopt sustainability guidelines (created by Mr. Hastings’ office).
- There is a concern that the RFQ (Request for Quotation) process being used on large projects is causing them to go to out-of-state firms. Ms. Wallace is working to change the RFQ process so that more work goes to Tennessee firms.
- Ms. Wallace stated that she’s getting many calls from out of state related to the interior design licensure bill.
- Ms. Wallace is hoping that the public works bill will be withdrawn.

LEGISLATIVE UPDATE (attached)

Mr. Rochelle stated that the “sign” bill and the Interior Design Consumer Protection Act will be in committee the week of March 24, 2008.

Mr. Schuermann, seconded by Thompson, moved that the Board oppose the Interior Design Consumer Protection Act as written. The motion passed with Ms. Miller abstaining.

Mr. Campbell, seconded by Mr. Hastings, moved that the Board oppose the soil scientist bill (summary attached), Senate Bill 2978 [public works bill (attached)], and House Bill 3691 [the sign bill (attached)] as each is written. The motion passed unanimously.

LEGAL CASE REPORT (presented by Aaron Rochelle) (attached)

1. *Case #L07-AEL-RBS-2007071081* *Complaint #200707108*
Mr. Thompson, seconded by Mr. Hastings, moved to close the case and flag the registration file. The motion passed unanimously.
2. *Case #L07-AEL-RBS-2007068331* *Complaint #200706833*
Mr. Lim, seconded by Mr. Campbell, moved to close the case. The motion passed unanimously.
3. *Case #L07-AEL-RBS-2007052181* *Complaint #200705218*
Mr. Schuermann, seconded by Mr. Hastings, moved to close the case. The motion passed unanimously.
4. *Case #L07-AEL-RBS-2007087071* *Complaint #200708707*
Mr. Campbell, seconded by Mr. Thompson, moved to close the case with a Letter of Instruction regarding the need for written contracts. The motion passed unanimously.
5. *Case #L08-AEL-RBS-2008001051* *Complaint #200800105*
Mr. Thompson, seconded by Mr. Lim, moved to authorize a formal hearing to give counsel authority to settle by a Consent Order in which the respondent would pay a civil penalty of not less than \$250.00. The motion passed unanimously.
6. *Case #L08-AEL-RBS-2008003551* *Complaint #200800355*
Mr. Hastings, seconded by Mr. Thompson, moved that the file be reviewed by a Board member. The motion passed unanimously.
7. *Case #L08-AEL-RBS-2008001541* *Complaint #200800154*
Mr. Campbell, seconded by Mr. Hastings, moved to close the case because the matter is out of the Board's jurisdiction. The motion passed unanimously.
8. *Case #L07-AEL-RBS-2007087851* *Complaint #200708785*
Mr. Hastings, seconded by Mr. Thompson, moved to close the case with a Letter of Warning and to flag the registration file. The motion passed unanimously.
9. *Case #L08-AEL-RBS-2008001661* *Complaint #200800166*
Mr. Campbell, seconded by Mr. Schuermann, moved to close the case and to flag the registration file. The motion passed unanimously.

Mr. Lim, seconded by Mr. Campbell, moved to adjourn. The motion passed unanimously. The meeting adjourned at 10:40 a.m.

ATTACHMENTS

Minutes of the January 10, 2008 Meeting
Financial Data
Action Items
2008 Application/ Exam Deadlines
Revised Record/As-Built Drawings Policy
Jonathan Stanley's letter of January 25, 2008
Revised Renewal Form
Summary of Pending Legislation
Executive Summary of Soil Scientist Licensure Legislation
Senate Bill 2978
House Bill 3691
Legal Case Report